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United States Department of Agriculture,  
OFFICE OF THE SECRETARY.

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BEFORE THE HONORABLE THE ATTORNEY GENERAL  
OF THE UNITED STATES

IN RE

THE INSPECTION, UNDER THE ACT OF JUNE 30,  
1906, OF MEAT FOOD PRODUCTS DERIVED  
FROM THE CARCASSES OF ANIMALS WHICH  
DID NOT RECEIVE A POST-MORTEM  
INSPECTION UNDER THAT ACT.

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QUESTION SUBMITTED BY THE SECRETARY OF AGRICULTURE.

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**BRIEF OF THE SOLICITOR.**

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**BRIEF OF THE SOLICITOR.**

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The Chief of the Bureau of Animal Industry has asked the Secretary of Agriculture for advice upon a question arising in the enforcement of the act of June 30, 1906 (34 Stat., 674), commonly known as the meat-inspection amendment, and under authority of section 356, Revised Statutes, the question is submitted by the Secretary of Agriculture to the Attorney General for his opinion. This brief is submitted in accordance with the direction of the Attorney General.

**STATEMENT OF THE QUESTION.**

The letter of the Chief of the Bureau of Animal Industry, saving the date, reads as follows:

The honorable the SECRETARY OF AGRICULTURE.

SIR: I am engaged in preparing, for submission to you, a revision of the meat in-



spection regulations issued by the Secretary of Agriculture under authority of the act of June 30, 1906 (34 Stat., 674). My attention has been directed to the opinion of the Attorney General, dated August 26, 1911, addressed to the Secretary of Agriculture, in which the Attorney General holds that lard substitute composed of vegetable oils and imported oleo stearin is subject to inspection under the act of June 30, 1906.

I ask to be advised whether, under the meat-inspection amendment, the inspectors of the Bureau of Animal Industry are in any case authorized to place the mark of inspection upon a meat-food product which is derived from the carcass of any one of the four animals covered by the act, *if the carcass of that animal did not receive a post-mortem inspection by an inspector of the Bureau of Animal Industry*. By a post-mortem inspection, there is understood by meat-inspection authorities an inspection not only of the dressed carcass, but of the organs as well. Indeed, in practice the inspection, with one exception, is made in the abattoir at the time of slaughter. The exception is found in the case of animals slaughtered upon the farm, the carcasses of which are offered for entry into the packing house and to which the head and all viscera, except the stomach, bladder, and intestines, are held by the natural attachments.

Since the passage of the act of March 3, 1891 (26 Stat., 1089), the Federal mark of inspection has never been placed upon meat



or meat food products derived from a carcass of an animal which had not received a post-mortem inspection as that term is understood by meat-inspection authorities. Similarly, in that time no meat or meat food product derived from a carcass of an animal which had not received a post-mortem inspection, as defined, was allowed to be brought into packing houses where Federal inspection was maintained. This was the practice under the act of 1891, *supra*, and the act of 1895 (28 Stat., 732), and has been continued under the meat-inspection amendment from its enactment down to the present time. It follows that, under the regulations now in force, foreign oleo stearin is not even allowed admission into an establishment where Federal inspection is maintained, and, of course, the mark of inspection is never placed upon a food product made in part of such oleo stearin.

It is a fact of universal recognition by meat-inspection authorities both in the United States and abroad that it is impossible for a qualified inspector to be certain, without a post-mortem inspection, from a mere examination of the meat or other product derived from the carcass, whether the animal was affected with a disease which might render the meat or other product unsound, unhealthful, unwholesome, and unfit for human food.

Very respectfully,

A. D. MELVIN,  
*Chief of Bureau.*



The letter of the Secretary of Agriculture submitting the matter to the Attorney General reads as follows:

The honorable the ATTORNEY GENERAL.

SIR: In reference to your opinion of August 26, 1911, on the subject of imported oleo stearin under the meat-inspection amendment, I inclose a letter to me in further reference to the same subject from the Chief of the Bureau of Animal Industry, and ask your opinion on the question therein presented.

Very respectfully,

(Signed) JAMES WILSON,  
*Secretary.*

From the letter of the Chief of the Bureau of Animal Industry I formulate the question:

#### THE QUESTION.

**MAY THE INSPECTORS APPOINTED BY THE SECRETARY OF AGRICULTURE UNDER THE TERMS OF THE ACT OF JUNE 30, 1906 (34 STAT., 674), PLACE THE MARK "INSPECTED AND PASSED" UPON ANY MEAT OR MEAT FOOD PRODUCT WHICH IS DERIVED FROM THE CARCASS OF ANY ONE OF THE FOUR ANIMALS COVERED BY THE ACT IF THE CARCASS OF THAT ANIMAL DID NOT RECEIVE A POST-MORTEM INSPECTION BY AN INSPECTOR OF THE BUREAU OF ANIMAL INDUSTRY?**

#### HEADINGS.

In determining the answer to the question presented I shall set out the history of meat-inspection legislation by Congress. This includes the act of August 30, 1890 (26 Stat., 414), act of March 3, 1891 (26 Stat., 1089), act of March 2, 1895 (28 Stat., 732), and the meat-inspection amendment of



June 30, 1906 (34 Stat., 674). I shall also discuss the practice under these acts and the understanding and practical application of the term "post mortem" occurring in all of the acts save that of 1890. Finally, I shall discuss the terminology of the act of June 30, 1906, by which the question must be determined.

#### HISTORY OF FEDERAL MEAT-INSPECTION LEGISLATION.

In the early eighties American dressed beef and later American pork products became large factors in our export trade with certain foreign countries. For some years prior to 1890 there were circulated in these foreign countries rumors of the existence of disease among our food-producing animals, which, it was claimed, rendered the meat unfit for food. In 1889 the Secretary of Agriculture in his annual report urged the necessity of a national inspection of cattle *at the time of slaughter*, which would secure the condemnation of carcasses unfit for food and guarantee the accepted product as untainted by disease. (Report of the Secretary of Agriculture, 1889, pp. 39, 40.) In the first session of the Fifty-first Congress there was introduced in the Senate S. 2594. This bill passed the Senate and was then considered by the House Committee on Agriculture. The committee recommended the passage of the bill on the ground that it was necessary to secure the removal of restrictions placed upon the importation of our meat by foreign coun-



tries. (H. Rept. No. 1792, 51st Cong., 1st sess.) This bill was enacted into law by both Houses, and was approved by the President on August 30, 1890. (26 Stat., 414.) It did *not* provide for post-mortem inspection at time of slaughter. It provided only, so far as this question is concerned, for an inspection of meats in the piece and then only when intended for exportation to countries the Governments of which required such inspection, or whenever any buyer, seller, or exporter requested it.

As will be seen from the recommendation of the Secretary of Agriculture and from the report of the House Committee on Agriculture, the motive which actuated the Congress in passing this law was to protect our foreign trade in meats. The measure failed of this purpose, however, for in the next annual report of the Secretary of Agriculture we find the Secretary urging the enactment of a law which provided for a national inspection of cattle *at the time of slaughter*. The Secretary pointed out that none of the restrictions against the sale of American meats abroad had been removed and that, indeed, there was a tendency to make these restrictions more stringent and irksome. The Secretary then referred to a bill pending in the Senate which, if enacted, would provide for an inspection of animals and meat at slaughter, and would enable the department to give a guarantee of their wholesomeness and freedom from taint of every kind. (Report of the Secretary of Agricul-



ture, 1890, pp. 13, 14.) Furthermore, the States were asking for the protection of interstate commerce. In compliance with the recommendation of the Secretary of Agriculture and to cure the defects in the act of August 30, 1890, there was passed the act of March 3, 1891. (26 Stat., 1089.) This was originally Senate bill 4155. This bill was considered both by the House Committee on Commerce and by the House Committee on Agriculture. The Committee on Commerce recommended the passage of the bill and, giving reasons for its passage, quoted from the report of the Secretary of Agriculture for 1890 previously referred to. (H. R. Rept. No. 3262, 51st Cong., 2d sess.) The Committee on Agriculture reported a substitute for S. 4155, which, with some changes, eventuated in the act of March 3, 1891. (H. R. Rept. No. 3761, 51st Cong., 2d sess.) Section 2 of this act provides for an inspection under such regulations as the Secretary of Agriculture may prescribe of cattle and meat which are to be exported, and section 3 is significant in connection with the question which we are discussing. Section 3 reads as follows:

SEC. 3. The Secretary of Agriculture shall cause to be inspected prior to their slaughter all cattle, sheep, and hogs which are subjects of interstate commerce and which are about to be slaughtered at slaughterhouses, canning, salting, packing, or rendering establishments in any State or Territory, the carcasses or products of which are to be trans-



ported and sold for human consumption in any other State or Territory, or the District of Columbia; and in addition to the aforesaid inspection there may be made in all cases where the Secretary of Agriculture may deem necessary or expedient, under rules and regulations to be by him prescribed, a post-mortem examination of the carcasses of all cattle, sheep, and hogs about to be prepared for human consumption at any slaughterhouse, canning, salting, packing, or rendering establishment in any State or Territory, or the District of Columbia, which are the subjects of interstate commerce. (26 Stat., 1089, 1090.)

This section of the law made it mandatory upon the Secretary of Agriculture to cause an *ante-mortem* inspection to be made of all cattle, sheep, and hogs which were subjects of interstate commerce and which were about to be slaughtered at slaughterhouses, etc., and provided that there might be made, when deemed by the Secretary of Agriculture advisable, a *post-mortem* examination of the carcasses of all cattle, sheep, and hogs about to be prepared for human consumption at any slaughterhouse, etc.

In the next report of the Secretary of Agriculture for the fiscal year 1891, it is stated that certain foreign governments have withdrawn the restrictions which weighed heavily upon our meat export trade in consequence of the passage of the act of March 3, 1891. The foreign Governments had ob-



jected to our system of inspection under the act of August 30, 1890, because it was merely a piece inspection and did not provide for a post-mortem inspection at time of slaughter, but when the act of 1891 was passed and the Department of Agriculture inaugurated a post-mortem inspection, many, if not all, of the foreign restrictions were withdrawn. (Report of the Secretary of Agriculture, 1891, p. 16.) This, undoubtedly, was due to the very comprehensive inspection which was put into effect under that act by the Secretary of Agriculture. His regulations provided for a microscopic examination of pork in order to detect trichinæ, and also for an examination before and *after* slaughter by veterinary surgeons of all animals slaughtered for export or interstate trade.

In the report of the Chief of the Bureau of Animal Industry for the year 1891 occurs the following comparison between the act of August 30, 1890, and the act of March 3, 1891:

The act of Congress of August 30, 1890, provided for the inspection of salted pork and bacon. It was the intention of Congress in passing this measure to enact a law which would enable this Government to so certify to the wholesomeness of our pork products that it would entitle them to entry into foreign countries. The provisions of this act, however, referred more particularly to an inspection which would determine the character and manner in which these products were packed and their condition at



time of shipment, and did not reach to the more important object of determining whether the animals from which they came were diseased or not at the time of slaughter. The consequence was that foreign Governments refused to recognize such inspection or certificates issued thereunder as sufficient to warrant the removal of the prohibition which they had for many years maintained against American pork.

In prescribing, therefore, regulations under the act of March 3, 1891, provision was made for a microscopic examination of hogs at time of slaughter, in order to certify that the same were free of the animal parasite called *Trichinæ spiralis*. In addition to the provisions for microscopic inspection of pork the regulations provided for an examination at time of slaughter by veterinary surgeons of all animals slaughtered for export or interstate trade, the condemnation of animals found to be diseased, and the proper identification of carcasses and the products of the same which entered into these two classes of our commerce. (Report of the Chief of the Bureau of Animal Industry, included in the Report of the Secretary of Agriculture for the year 1891, p. 108.)

In the reports of the Secretary of Agriculture and of the Chief of the Bureau of Animal Industry for the fiscal years 1893, 1894, and 1895 recommendations are made for an amendment to the meat-inspection law which would provide for the destruction of condemned carcasses and for cer-



tain other changes not material here. These recommendations were heeded and resulted in the enactment of the act of March 2, 1895. (28 Stat., 732.) This act made no change in post-mortem inspection, which was left precisely as provided in the act of March 3, 1891.

In the spring of 1906 rumors gained credence that the packing houses of the country were not conducted in a sanitary manner, and that the inspection under the act of 1891, as amended by the act of 1895, was not conducted in a thoroughgoing, efficient way. The Secretary of Agriculture appointed a committee to investigate conditions at one of the large packing centers, and the President of the United States appointed a committee for the same purpose. When the report of the latter committee was received by the President he transmitted it to Congress on June 4, 1906, accompanied by a message in which he stated—

A law is needed which will enable the inspectors of the General Government to inspect and supervise from the hoof to the can the preparation of the meat food product. (Congressional Record, 59th Cong., 1st sess., vol. 40, p. 7800.)

Elsewhere in his message the President had plainly pointed out that authority of law existed for inspection at time of slaughter. What he asked Congress to do was to so amend the law that inspection of meat food products, at all stages of preparation, should be secured, in addition to the post-mor-



tem inspection at time of slaughter of the animals, which everyone regarded as necessary, and which was provided for by existing law.

The need of supplemental legislation which would authorize the inspectors to supervise the preparation of the meat food products from the carcasses which had under existing law been subjected to a post-mortem inspection was strongly urged by the President's committee. Not only was there no intimation by this committee that the post-mortem inspection should be waived in any case, but, on the contrary, it was stated to be "of supreme importance." The recommendations of the committee were five in number, as follows, and examination of the meat-inspection amendment of June 30, 1906, will show how closely the text of the law follows these recommendations:

1. Examination before slaughter is of minor importance and should be permissive instead of mandatory. Examination after slaughter is of supreme importance and should be compulsory.

2. Goats, now exempt from inspection, intended for foreign or interstate commerce, should be included in the list subject to the inspection of the Bureau of Animal Industry, and should be equally controlled by the regulations of the Secretary of Agriculture.

3. The examination of all meat products intended for interstate commerce at any stage of their care or treatment should be consigned to the Bureau of Animal Indus-



try, and no mark or sign declaring that inspection has been made by Government officials should be allowed on any can, box, or other receptacle or parcel containing food products unless the same has been subject to Government inspection at any and every state of the process of preparation, and all such labels should contain the date of issuance, and it should be a misdemeanor to erase, alter, or destroy any such labels. Meat products and canned, preserved, or pickled meats, when sent from any packing or canning establishment, if returned to the same, should be subject to such further inspection, regulation, and isolation from other meat products as the Secretary of Agriculture may prescribe.

4. Power should be given to the Secretary of Agriculture to make rules and regulations regarding the sanitation and construction of all buildings used or intended to be used for the care of food products for interstate or foreign trade, and to make such regulation as he may deem necessary to otherwise protect the cleanliness and wholesomeness of animal products prepared and sold for foreign and interstate commerce.

5. It should be forbidden to any person, firm, or corporation to transport or offer for transportation from one State to another any meat or meat food products not inspected and labeled. (Cong. Rec., 59th Cong., 1st sess., vol. 40, p. 7802.)



The report of the committee appointed by the Secretary of Agriculture, which was transmitted by the President to the Committee on Agriculture of the House at the time that committee was considering the meat-inspection amendment, was in substantial accord with the recommendations of the President's committee. Recommendation No. 2 read as follows:

2. That the carriers be prohibited by law from transporting from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia the carcasses, or any portion thereof, of any cattle, sheep, or swine which have been slaughtered at any slaughterhouse, canning, salting, packing, or rendering establishment, unless the said carcasses or portions thereof shall be marked, in accordance with the regulations of the Secretary of Agriculture, to show that the said carcasses or portions thereof have been inspected in accordance with the terms of the act of Congress of March 3, 1891. (Hearings before the Committee on Agriculture on the so-called "Beveridge amendment" to the Agricultural appropriation bill (H. R. 18537) as passed by the Senate May 25, 1906; 59th Cong., 1st sess., p. 328.)

This was clearly a recommendation by that committee that no meat be allowed transportation in interstate commerce unless the carcass of the animal from which it came had been subjected to a post-mortem inspection in accordance with the terms of the act of March 3, 1891. This is shown by the



comment which the committee makes on recommendation No. 2, which reads as follows:

Such a provision would make Federal inspection compulsory upon all establishments doing an interstate business, and would thus do away in large measure with the killing of animals rejected by inspectors on ante-mortem inspection by establishments not having Federal inspection. (Hearings before the Committee on Agriculture on the so-called "Beveridge amendment," *supra*, p. 328.)

In the various committee reports which were made upon the meat-inspection amendment of June 30, 1906, and in the debates on that measure, there can be found no suggestion that the post-mortem inspection be waived in any case, but everywhere it is insisted that, in order to entitle the meats to the mark of Federal inspection, they shall be subjected not only to the post-mortem inspection, which, as the President's committee pointed out, is conceded to be of supreme importance, but also that they shall be subjected to inspection at all stages of preparation.

#### **DEPARTMENT PRACTICE UNDER THE VARIOUS ACTS.**

It appears from the statement of the Chief of the Bureau of Animal Industry (p. 3) that for twenty years, ever since the first inspection regulations were issued under the act of March 3, 1891, the mark of Government inspection has been denied to any meat derived from an animal which



did not receive a post-mortem inspection by Federal inspectors, and that, indeed, any such meat, by the regulations, has been denied entrance into establishments where Federal inspection is maintained for fear such meat would become mixed with the product of inspected carcasses and inadvertently receive the mark of inspection.

**MEANING OF THE TERM "POST-MORTEM" AS  
APPLIED TO MEAT INSPECTION.**

It is stated by the Chief of the Bureau of Animal Industry that meat-inspection authorities understand a post-mortem inspection to be an inspection not only of the dressed carcass, but of the organs as well (p. 2). This statement is corroborated by the works on meat inspection published by scientists of note and by health authorities in the United States and in other countries. I will not lengthen this brief with quotations from these authors, but it may be stated that the following able scientists, among them the leading authorities of the world on meat inspection, express this opinion in their published works on meat inspection, and even go further and state that it is absolutely impossible, from an examination of the meat or of the meat food product alone, to determine in all cases whether or not the carcass of the animal from which the meat came was so diseased as to render the meat or meat food product unfit for food or even positively injurious to health. Reference is made to Profs. Ostertag, Fischroeder, Johne, and



Edelmann of Germany; Profs. Hutyra, Breuer, and Tatrey, of Hungary; Profs. Moussu and Martel, of France; Prof. de Jong, of Holland; Drs. Walley, Buchanan, Trotter, Dittmar, and Loudon Douglas, of Great Britain; Dr. Gilruth, of Australia; and Dr. Rutherford, of Canada. In addition to these foreign scientists, in our own country we find such men as Prof. Welch, of Johns Hopkins University; the late Prof. Pearson, of the University of Pennsylvania; Prof. Moore, of Cornell University; Drs. Rosenau and Stiles, of the United States Public Health and Marine-Hospital Service; Dr. Hektoen, of the University of Chicago; and Dr. Hughes, of the Chicago Veterinary College, who hold to the same opinion. The laws of practically all of the foreign countries require a post-mortem inspection as herein defined as a prerequisite to the passing of the meat. This is true of Scotland, Germany, Australia, New Zealand, Canada, and many other countries. References to the statutes and regulations of these and of other countries which have meat-inspection control will be furnished, if desired, by the Attorney General.

#### **THE TERMINOLOGY OF THE ACT OF JUNE 30, 1906.**

In my opinion paragraphs 1, 2, 3, 4, 7, and 19 of the act control the determination of the question. Paragraph 1 reads as follows:

That for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food



products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered, and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture as herein provided for.

This paragraph has only a limited bearing upon the question, for the following reasons: It does not provide, as it might seem on first reading, for a post-mortem inspection of all animals slaughtered. It merely authorizes the Secretary to cause an ante-mortem inspection to be made of *all* cattle, sheep, swine, and goats, the meat and meat food products whereof are to be used in interstate commerce. It provides further that *when slaughtered* the carcasses of cattle, sheep, swine, and goats *which*



*on ante-mortem inspection* show symptoms of disease shall be set apart and slaughtered separately, and when so slaughtered they *shall* be subject to a careful examination and inspection, all as provided in the regulations prescribed by the Secretary of Agriculture. An examination of the reports of the two committees which were before Congress at the time this legislation was passed, makes the meaning of these provisions very clear. There was a difference of opinion as to whether an ante-mortem inspection was necessary and worth the expense. On this point the President's committee reported as follows:

*Inspection before slaughter.*—Inspection before slaughter appears to have little value in most cases. That undue advantage of this inspection is taken by outside parties is charged, and opportunities for such are abundant, but no specific evidence was presented to us. That this unimportant and superficial examination should be compulsory under the present law, whereas the more scientific examination after slaughter is only permissive, indicates a serious defect in the law.

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1. Examination before slaughter is of minor importance and should be permissive instead of mandatory. Examination after slaughter is of supreme importance and should be compulsory. (Congressional Record, 59th Cong., 1st sess., vol. 40, p. 7802.)



The committee from the Department of Agriculture reported as follows:

The mischief caused by not providing and requiring Federal inspection for *all* establishments slaughtering for the interstate trade is illustrated by a preceding paragraph of this report, which shows the wide discrepancy between the number of animals rejected on ante-mortem inspection and the number of these rejects slaughtered, and also by the statement made to a member of the committee by a responsible employee of the Bureau of Animal Industry at Chicago to the effect that two men had, to his knowledge, made fortunes by buying animals which were rejected by Government inspectors on the ante-mortem inspection and slaughtering them in establishments which did not have Federal inspection.

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Such a provision would make Federal inspection compulsory upon all establishments doing an interstate business, and would thus do away in large measure with the killing of animals rejected by inspectors on ante-mortem inspection by establishments not having Federal inspection. (Hearings before the Committee on Agriculture on the so-called Beveridge amendment, *supra*, pp. 326, 327, 328.)

The ante-mortem inspection then was made discretionary with the Secretary because of doubt as to the necessity for it, but it was provided that *all*



animals which had been subjected to an ante-mortem inspection should be subjected also at time of slaughter to a post-mortem inspection. This provision was put into the law to cure the evil pointed out by the two committees—speculation in animals which had been rejected on ante-mortem inspection. In short, the phrase “said cattle” means only cattle which are suspects on ante-mortem inspection, and if, in the exercise of his discretion, the Secretary of Agriculture cause no ante-mortem inspection to be made no post-mortem inspection is provided for by paragraph 1.

Paragraph 2 provides, first, that the Secretary of Agriculture *shall* cause to be made, by inspectors appointed for that purpose, a post-mortem examination and inspection of the *carcasses* and parts thereof of *all* of the four animals to be prepared for human consumption in *any* slaughtering, meat-canning, \* \* \* or similar establishment in any State, Territory, or the District of Columbia, for transportation or sale as articles of interstate or foreign commerce. It will be noted that the law makes this post-mortem inspection mandatory upon the Secretary and that it is to be made of *all* cattle, sheep, swine, and goats prepared for interstate or foreign commerce at any establishment. Unlike the case of ante-mortem inspection, concerning which doubt existed as to its necessity and which was left discretionary with the Secretary of Agriculture, Congress provided that the post-mortem inspection *must* be made. Undoubtedly there was



in the mind of the legislature the experience of the country with the abortive meat-inspection act of August 30, 1890, which, because of the lack of a provision for post-mortem inspection, was laughed to scorn by scientists and was treated with contemptuous disregard by the health authorities of foreign countries whose citizens were prospective buyers of American meats. Congress must also have had in mind the opinions of American men of science who were versed in meat inspection, and perhaps also the reports of the two committees hereinbefore referred to.

The second provision in paragraph 2 is for the marking of the carcasses and parts of *all* such animals according to the results disclosed by the post-mortem inspection. The carcasses and parts of all animals *found to be* sound, healthful, wholesome, and fit for human food are to be marked "Inspected and passed," while if the contrary be found, the marking is to be "Inspected and condemned." Paragraph 3 then provides for destruction for food purposes, in the presence of an inspector, of the product marked "Inspected and condemned," and it is provided that if the establishment refuses to destroy the condemned product, the inspectors may be withdrawn, and thus, under the operation of paragraphs 8 and 17, that establishment may not thereafter engage in interstate or foreign commerce in meats. The purpose of Congress in providing this heavy penalty for refusal to destroy condemned products is manifest. A post-mortem in-



spection is provided for all cattle, sheep, swine, and goats whose meat is to go into interstate or foreign commerce. At the time, and by means of this post-mortem inspection, it is determined whether the animal suffered from disease which rendered its meat unfit for food. After the meat became separated from the organs of the carcass it would be impossible to determine whether it was the product of healthy or of unhealthy animals, and thus it was imperatively essential to any effective control, when the determination of unfitness was made by the post-mortem inspector, that the unfit product should be destroyed for food purposes, and the menace removed of the continual probability of such product becoming mixed with meat from healthy animals when, on account of the impossibility of detection when removed from source, it might, without knowledge, be allowed to be made up into meat food products and sold under the Government's mark of inspection, which the people have been taught to believe guarantees not only cleanliness of the product, but also derivation from animals not affected with disease.

To show how desirous the legislature was that no meat be allowed or tolerated in the establishments which had not, on post-mortem inspection, been affirmatively "*found to be*" fit for food, it is only necessary to refer to paragraph 7 of the amendment, which commands the Secretary to cause inspection and examination to be made during the nighttime as well as during the daytime



“ *when the slaughtering* ” is conducted during the nighttime. The last provision in paragraph 2 is for reinspection at any time when necessary, in the judgment of the inspector, while the product is in the establishment, and for the proper marking and possible destruction, depending upon the result of such reinspection. The reason for this is obvious. Meat is a very perishable product. It may be derived from healthy animals and afterwards become tainted through the lapse of time, heat, dirt, or other apparent causes. I think it may safely be said that the inspection provided for in this paragraph relates entirely to the slaughterhouse and is designed to insure that all meat which issues from such houses, either to the markets for sale and consumption in the condition in which it left the slaughterhouse, or for entry into other departments of the same establishment, or into other establishments where it is prepared, mixed, and packed to form those foods in which meat and meat products are the base, shall be from healthy animals and shall not have been contaminated while in the slaughterhouse. This view is borne out by the next paragraph of the law.

The first provision of paragraph 3 is that “ *the foregoing provisions,* ” i. e., the provisions in paragraph 2 for the post-mortem inspection and marking “ Inspected and passed ” and the reinspection if the meat be held, shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats,



or the meat or meat food products thereof, which may be brought into any establishment. This provision plainly means that no carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat food products thereof, may be brought into any establishment where inspection is maintained unless they comply with "*the foregoing provisions*" of the act; that is, unless such carcasses or meat food products have been subjected to a post-mortem inspection and, having passed that inspection, bear the mark "Inspected and passed." This is merely carrying out the settled purpose of the act that no meat from animals which have not passed a post-mortem inspection shall be tolerated in the establishment. This interpretation is borne out by the report on the bill by the House Committee on Agriculture. In Report No. 4953 Mr. Wadsworth, for the Committee on Agriculture, recommended a disagreement with the Beveridge amendment and reported a substitute measure which, so far as the present question is concerned, is identical with the present law. In explaining the provisions of this substitute, the committee reported as follows:

The second paragraph, on page 2, line 6, provides for the post-mortem examination of all carcasses and parts thereof, and such as are found fit for human food are to [be] marked as "Passed," and those found to be unfit for human food marked "Condemned" and thereafter destroyed for food purposes.



It also provides for a *similar*<sup>1</sup> inspection of all meat and meat food products brought into the packing houses from other sources and for a reinspection of all goods once sold by packing houses and subsequently returned thereto for any cause. (H. R. Rept. No. 4953, 59th Cong., 1st sess., p. 5.)

It is evident from this report that the committee, in reporting the substitute which afterwards became the law, believed that it had made a post-mortem inspection a prerequisite to the placing of the mark of inspection on any carcasses or parts thereof, or meat or meat food products thereof.

The second provision of paragraph 3 is as follows:

And such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products.

It is the evident purpose of this part of paragraph 3 to prohibit the entry into any establishment, or part of establishment, where meat food products are prepared, of any meat which does not bear the mark of inspection provided for in the foregoing provisions of the law. It was before Congress in the two committee reports hereinbefore referred to, and, indeed, it is a well-known fact that the great bulk not only of the slaughtering of the food animals, but of the

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<sup>1</sup> Italics are mine.



preparation of the meats and meat food products thereof, is carried on in large factory-like establishments in the cities of some of our Western States, where the slaughtering may be done on one floor, the making of sausage on another floor, the canning of meats on another floor, and so on. Indeed, in packing-house parlance, the rooms where these various operations are conducted are referred to as "departments," such as the "sausage department," the "canning department," etc. I interpret this provision of the law to mean that after an animal has been slaughtered in such an establishment, and it is desired to remove the carcass, or a part of the carcass, to any one of the departments where the meat is prepared for examination, before the meat is allowed to enter such department of the establishment where the animal was slaughtered it must have been subjected to the reinspection provided for in paragraph 2; and in my judgment, the third part of section 3, that "*the foregoing provisions*" shall also apply to all such products which have been issued from an establishment and are returned to that establishment, or to any other establishment where inspection is maintained, simply means that after the product has once left an inspected establishment, before it can come back into that establishment, or into any other establishment where inspection is maintained, it must be reinspected. Such meat bears the mark of inspection, which is a guaranty that it has been passed on post-mortem inspection, and



the object of the reinspection is to determine whether since that inspection, after leaving the establishment, it has become tainted or in any way unfit for food.

Paragraph 4 of the law proceeds in an orderly way to provide for inspection in establishments where meat food products are prepared and evidently proceeds upon the assumption that no meat is to be admitted therein which is not from carcasses which have been passed on post-mortem inspection as not diseased, for the inspectors are by this section to be mindful of dyes, chemicals, preservatives, and ingredients which may render the finished meat food product unwholesome, etc., as well as certain other causes which might cause unwholesomeness. But, as to these other causes, there is no direction to do the impossible. The healthfulness of the animals from which the meat came, and the consequent fitness for food, can not be determined here, and it is not provided for. By this section the inspectors are to mark as inspected and passed all meat food products *found to be wholesome, etc.* Suppose in an establishment 1,000 cattle tongues are brought into an establishment to be minced and mixed with some other nonmeat ingredients preparatory to canning and sale as a meat food product. The inspector, under the terms of this section, must determine affirmatively whether the product be wholesome, etc., or unwholesome, etc. He can examine the other ingredients which are to go into the meat food product. He can exclude harmful dyes, chemi-

cals, and preservatives, but the one thing most essential and of supreme importance he can not determine, i. e., were the animals from which the tongues came inspected post-mortem and were some of them so diseased that it would be criminal to allow them to be used for food, to say nothing of putting the Government guaranty on meat food products containing them? Some of the tongues may be fit for human food and some unfit, or all fit or unfit. The inspector can not tell, and yet the section says that he must find each product to be sound or unsound, wholesome or unwholesome, and dispose of it accordingly. But if the tongues come to the tongue-packing establishment bearing the marking of inspection, the inspector knows that they come from animals free from disease. He ascertains their present condition, the purity of the added ingredients, etc., and with finality he pronounces them sound or unsound, fit for food or fit for destruction. Surely even if two varying constructions of the statute be possible, it is not permissible to adopt the construction which exacts an impossibility and renders the law abortive.

This brings me to the last paragraph of the law which I desire to discuss, being paragraph 19, which provides in part as follows:

That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all car-



casses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors *shall refuse* to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the *same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food*, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided by this act, and by the rules and regulations to be prescribed by said Secretary of Agriculture.

This paragraph emphasizes the point that there must be an inspection which discloses *affirmatively* the condition of the meat or meat food product, and that the passing mark must not be placed upon the product until an actual inspection by an inspector appointed by the Secretary of Agriculture shows plainly that the meat or meat food product is sound, healthful, wholesome, and fit for human food. Consider in connection with this provision of the law the statement of the Chief of the Bureau of Animal Industry (p. 3), supported as he is by the pub-

lished opinions of the meat-inspection authorities of the world:

It is a fact of universal recognition by meat-inspection authorities, both in the United States and abroad, that it is impossible for a qualified inspector to be certain, without a post-mortem inspection, from a mere examination of the meat or other product derived from the carcass, whether the animal was affected with a disease which might render the meat or other product unsound, unhealthful, unwholesome, and unfit for human food.

The question raised by the Chief of the Bureau of Animal Industry, in view of the above statement, resolves itself into this: May the mark of inspection be placed on meat or meat food products concerning whose wholesomeness, etc., the inspector is in ignorance? The question is answered by the often-repeated declaration of the statute that the product must be “*found to be*” wholesome, etc., and particularly by the provision in paragraph 19 that the inspectors shall refuse the mark of inspection until the product has actually been inspected and found to be wholesome, etc. There is no provision in this meat-inspection amendment that the passing mark may be affixed upon the assurance of a State, county, or municipal inspector, or, indeed, by an inspector of some foreign power. It must actually be inspected and found to be fit by an inspector appointed by the Secretary of Agriculture under authority of the amendment itself.



**CONCLUSION.**

Bearing in mind the statements of the Chief of the Bureau of Animal Industry and of recognized authorities on meat inspection that a post-mortem inspection is essential in order to determine soundness, and interpreting the meat-inspection amendment of June 30, 1906, in the light of the history of and practice under prior Federal legislation on the subject of meat inspection, of the reports of the committees of Congress which considered the measure, and in accordance with its obvious spirit and purpose, that the mark "Inspected and passed" placed upon a meat food product is a guaranty of soundness and fitness for food, I conclude that no inspector appointed by the Secretary of Agriculture is authorized by the amendment to place the mark "Inspected and passed" upon any meat or meat food product which is derived from an animal the carcass of which did not receive a post-mortem inspection by an inspector appointed by the Secretary of Agriculture under authority of the meat-inspection amendment.

GEO. P. McCABE,  
*Solicitor.*

## APPENDIX.

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### THE MEAT-INSPECTION AMENDMENT—APPROVED JUNE 30, 1906 (34 Stat., 674).

(1) That for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture as herein provided for.

(2) That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled



as "Inspected and passed"; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned," all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthful, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof, shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

(3) The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

(4) That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes

of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That, subject to the rules and regulations of the Secretary of Agriculture, the provisions hereof in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this act.

(5) That when any meat or meat food product prepared for interstate or foreign commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "Inspected and passed" under the



provisions of this act; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector, and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary of Agriculture are permitted.

(6) The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "Inspected and passed."

(7) That the Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products is conducted during the nighttime.

(8) That on and after October first, nineteen hundred and six, no person, firm, or corporation shall transport or offer

for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "Inspected and passed," in accordance with the terms of this act and with the rules and regulations prescribed by the Secretary of Agriculture: *Provided*, That all meat and meat food products on hand on October first, nineteen hundred and six, at establishments where inspection has not been maintained, or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in interstate or foreign commerce.

(9) That no person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this act, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this act, or any certificate in relation thereto, authorized or required by this act or by the said rules and regulations of the Secretary of Agriculture.

(10) That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places, and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

(11) And for this purpose he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.



(12) And no clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported.

(13) That the Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

(14) And for this purpose he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

(15) And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this act, or except as hereinbefore provided for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported.

(16) That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described, and one copy of every certificate granted under the provisions of this act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and prod-

ucts are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

(17) That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this act.

(18) That any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding ten thousand dollars or imprisonment for a period not more than two years, or by both such fine and imprisonment, in the discretion of the court.

(19) That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided



by this act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this act, and all inspections and examinations made under this act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with the provisions of this act.

(20) That any person, firm, or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by this act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than one thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years.

(21) That the provisions of this act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold

and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: *Provided also*, That the Secretary of Agriculture is authorized to maintain the inspection in this act provided for at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this act shall apply notwithstanding this exception.

(22) That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of three million dollars, for the expenses of the inspection of cattle, sheep, swine, and goats, and the meat and meat food products thereof, which enter into interstate or foreign commerce, and for all expenses necessary to carry into effect the provisions of this act relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year. And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed.

















